
HOUSE BILL No. 1068

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-2-2.

Synopsis: Criminal recklessness. Makes criminal recklessness a Class C felony instead of a Class B misdemeanor if it is committed by shooting a firearm into an inhabited dwelling or other building or place where people are likely to gather.

Effective: July 1, 2003.

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January 7, 2003, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1068

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-42-2-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) As used in this
3 section, "hazing" means forcing or requiring another person:
4 (1) with or without the consent of the other person; and
5 (2) as a condition of association with a group or organization;
6 to perform an act that creates a substantial risk of bodily injury.
7 (b) A person who recklessly, knowingly, or intentionally performs:
8 (1) an act that creates a substantial risk of bodily injury to another
9 person; or
10 (2) hazing;
11 commits criminal recklessness, a Class B misdemeanor. However, the
12 offense is a:
13 (1) Class A misdemeanor if the conduct includes the use of a
14 vehicle;
15 (2) Class D felony if it is committed while armed with a deadly
16 weapon; or
17 (3) Class C felony if it is committed by shooting a firearm ~~from a~~



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1 ~~vehicle~~ into an inhabited dwelling or other building or place
 2 where people are likely to gather.

3 (c) A person who recklessly, knowingly, or intentionally:

4 (1) inflicts serious bodily injury on another person; or

5 (2) performs hazing that results in serious bodily injury to a
 6 person;

7 commits criminal recklessness, a Class D felony. However, the offense
 8 is a Class C felony if committed by means of a deadly weapon.

9 (d) A person, other than a person who has committed an offense
 10 under this section or a delinquent act that would be an offense under
 11 this section if the violator was an adult, who:

12 (1) makes a report of hazing in good faith;

13 (2) participates in good faith in a judicial proceeding resulting
 14 from a report of hazing;

15 (3) employs a reporting or participating person described in
 16 subdivision (1) or (2); or

17 (4) supervises a reporting or participating person described in
 18 subdivision (1) or (2);

19 is not liable for civil damages or criminal penalties that might
 20 otherwise be imposed because of the report or participation.

21 (e) A person described in subsection (d)(1) or (d)(2) is presumed to
 22 act in good faith.

23 (f) A person described in subsection (d)(1) or (d)(2) may not be
 24 treated as acting in bad faith solely because the person did not have
 25 probable cause to believe that a person committed:

26 (1) an offense under this section; or

27 (2) a delinquent act that would be an offense under this section if
 28 the offender was an adult.

29 **SECTION 2. [EFFECTIVE JULY 1, 2003] IC 35-42-2-2, as**
 30 **amended by this act, applies only to crimes committed after June**
 31 **30, 2003.**

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